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May 6, 1985

LIVINGSTONE, MUELLER,
DRAKE AND DAVLIN
C. A. LIVINGSTONE
1896-1982
LESLIE V. DRAKE
1895-1985
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MAY 15 1985
Corp., Risk Mgmt.

Mr. Steven Borgstrom
Raymond Sheakley & Associates, Inc.
Group Plans, Inc.
2605 West 22nd Street
Suite 34
Oak Brook, Illinois 60521

Dear Steve:

In re: v. Sherwin-Williams
81-OD-609

John J. Larsen appeared as attorney for the widow of to argue his Motion to Reinstate, on Thursday, May 2. I presented our Objection to Arbitrator Boyd, and argued that Petitioner had not shown good cause for a delay of three and a half years in proceeding to trial, and the reason given in the Petition to Reinstate was in no way relevant to the amount of time which this case had not been prosecuted.

Arbitrator Boyd was inclined not to reinstate the case until Larsen represented to him that at the time of the March call in Litchfield, when the case appeared on the docket, Arbitrator Boyd had not included it in a list on his "hit list". Mr. Boyd makes it a practice to draw a red line across the front page of his docket sheet, all cases above which are dismissed for want of prosecution. Larsen represented to the arbitrator that he, Larsen, was present, and that the case was not included above the line, he therefore had taken no positive action. Mr. Boyd advised then that he would reinstate the case.

I don't know of any way we can check Arbitrator Boyd's original docket sheet, or whether these are preserved at the Industrial Commission after being sent there for entering on to the computer.

The arbitrator did advise Larsen that he should be ready to try the case by July, or in sixty days. I advised Mr. Boyd that our readiness would depend upon what Larsen produced as far as his medical, and that we might in sixty days ask more time.

My guess is that Larsen will employ a physician with pulmonary credentials to read the translation of the Russian article, and testify from that. I'm going ahead with our research at the SIU Medical Library which I have not yet accomplished.

Very truly yours,

Robert L. Mueller
RLM:ln

Dr. VANDERSTAND

Are you aware of a Russian
article reference LNC oxide?

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